

FILED *Per*

MAY 29 2012

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No.: 11-O-15324-LMA
)	
COLIN C. SWAINSTON)	ORDER GRANTING MOTION TO
)	VACATE DEFAULT
Member No. 150761)	
)	
<u>A Member of the State Bar.</u>)	

On May 10, 2012, respondent Colin Swainston, by counsel Michael G. Gerner, filed a motion to vacate the default entered on February 14, 2012, due to respondent's failure to file a response to the Notice of Disciplinary Charges, on the grounds of mistake, inadvertence and excusable neglect due to medical situations and other events. (Rule 5.83(C)(2), Rules Proc. of State Bar; Code Civ. Proc., § 473.) On May 22, 2012, The Office of the Chief Trial Counsel, by Ashod Mooradian and Kim Kasrelievich, filed opposition thereto.

Accordingly, having considered the parties' contentions and good cause appearing, the motion is GRANTED. The default entered on February 14, 2012, is vacated and the proposed response filed with the motion is deemed filed and served as of the date this order is filed.

Moreover, respondent's inactive enrollment, effective February 17, 2012, is



TERMINATED, effective as of the date of this order is filed.

IT IS SO ORDERED.

Dated: May 29, 2012



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 29, 2012, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION TO VACATE DEFAULT

in a sealed envelope for collection and mailing on that date as follows:

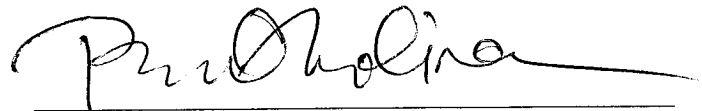
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

MICHAEL GALEN GERNER
MICHAEL G GERNER, A PROF LAW CORP
425 S BEVERLY DR STE 210
BEVERLY HILLS, CA 90212

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KIMBERLY G. KASRELIOVICH, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 29, 2012.



Bernadette C.O. Molina
Case Administrator
State Bar Court